

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

2017 MAR 21 PM 12:42

CLERK OF COURT
AT BALTIMORE

BY KR DEPUTY

In the United States District Court
For the Northern District of Maryland

Anthony Thomas,
Consumer

) Case No.

GLR 17 CV 0777

OCWEN LOAN SERVICING LLC,
Timothy S. Carey, Kevin P Diskin, Bryan
Gales, Julie L. Ensor, John F Fader II, Ruth A.
Jakubowski

John Does 1-10

3rd Party Debt Collector(s)

ACTION TO ENFORCE LIABILITY FOR VIOLATIONS UNDER 15 USC. §1692 ET SEQ.

Natural person and consumer creditor Anthony Thomas files this Action to Enforce Liability for violations under 15 USC. § 1692 et seq., the Fair Debt Collections Practices Act (FDCPA) against the above named 3rd Party Debt Collectors and co-conspirators with 3rd Party Debt Collectors, and leave room to add any additional parties that become known as co-conspirators.

Consumer seeks limited **JUDICIAL REVIEW**, in the form of declaratory relief, to determine if Respondents are debt collectors subject to the FDCPA, and that the debt collectors are **ORDERED** to comply with all sections of the FDCPA, including but not limited to filing a counter claim within 5 days under 15 USC § 1692i, and per 15 USC § 1692c(c)1 to cease and desist all collection activities, to terminate all actions outside of this proper judicial district, and to discharge the alleged debt that they have not provided proper verification and validation for.

Jurisdiction and Venue

This matter is a Federal Question and is an enforcement action under 15 U.S.C. § 1692k, the private right of action statute of the FDCPA

The FDCPA is the **only** law that the Consumer relies on and it alone governs this enforcement action.

Take Judicial Notice that the language of this case will be the Plain Writing Act of 2010.

Take Judicial Notice that any exhaustive or protractive litigation will cause additional damages to be issued.

FACTS RELEVANT TO THIS ENFORCEMENT ACTION

1. Anthony Thomas is a 15 USC § 1692a(3) (Consumer).
2. OCWEN LOAN SERVICING LLC, Timothy S. Carey, Kevin P Diskin, Bryan Gales (Respondents-A), are all 15 USC § 1692a(6) debt collectors who are subject to federal law and subject to the jurisdiction of this court, to which both the Consumer and the Court shares concurrent jurisdiction over.
3. Respondents-A violated one or more provisions of the FDCPA.
4. Julie L. Ensor, John F Fader II, and Ruth A. Jakubowski (Respondents-B) became co-conspirators with Respondents-A and came under the authority of the FDCPA.
5. Respondents-A initiated a non-judicial debt collection action attempting to confiscate seize, disable, and disposess personal property owned by the Consumer in violation of 15 USC § 1692(e), 15 USC § 1692f(6) & 15 USC § 1692i. If a debt collector wants to bring any type of action they must do so in a competent judicial court based on 15 USC § 1692i. A copy of the summons and complaint is attached. (Exhibit A)
6. Consumer mailed Respondents-A a 15 USC § 1692 FDCPA demand for verification and validation of an alleged debt. (Exhibit B)
7. Respondents-A did not provide Consumer with the requested verification and validation of the alleged debt as required by the FDCPA; See 15 USC § 1692g. Consumer mailed a follow-up communication to Respondents-A and assessed damages. (Exhibit C)
8. #5 above is also a crime under federal statutes 15 USC § 1692d. Respondents-A with the assistance of Respondents-B continue to make a physical threat to seize, dispossess, and disable private personal property belonging to the Consumer.
9. The Consumer issued the injunctive relief codified within the FDCPA based on 15 USC § 1692c(c)1.
10. Consumer is entitled to actual and statutory damages against OCWEN LOAN SERVICING LLC in the assessed amount of \$322,341.78. See 15 USC § 1692(k)
11. Consumer is entitled to actual and statutory damages against Timothy S. Carey in the assessed amount of \$322,341.78. See 15 USC § 1692(k)
12. Consumer is entitled to actual and statutory damages against Kevin P Diskin in the assessed amount of \$322,341.78. See 15 USC § 1692(k)
13. Consumer is entitled to actual and statutory damages against Bryan Gales in the assessed amount of \$322,341.78. See 15 USC § 1692(k)
14. Julie L. Ensor a co-conspirator with Respondents-A, without consent of the consumer or a court of competent jurisdiction communicated with the consumer in an attempt to collect a debt in violation of 15 USC § 1692c, 15 USC § 1692e(5), and 15 USC § 1692i, and is assessed \$300,000 in actual and statutory damages. See (Exhibit A)
15. John F Fader II (Exhibit A - Docket #5, 9, 11, 12,16,17,18,19), co-conspirator with Respondents-A, signed illegal debt collection ORDERS in violation of 15 USC § 1692c, and 15 USC § 1692e(5), and 15 USC § 1692i, and is assessed \$300,000 in actual and statutory damages.
16. Ruth A. Jakubowski (Exhibit A - Docket #21), co-conspirator with Respondents-A, signed an illegal debt collection ORDER in violation of 15 USC § 1692c, and 15 USC § 1692e(5), and 15 USC § 1692i, and is assessed \$300,000 in actual and statutory damages.

REMEDY SOUGHT

Consumer moves for declaratory relief, that Respondents are debt collectors subject to the FDCPA, and that the Respondents are **ORDERED** to comply with all sections of the FDCPA, including but not limited to 1692c(c)1 to cease and desist **ALL** collection activities and terminate all actions outside of this proper judicial district, and to discharge the alleged debt that they have not provided proper verification and validation for.

Respondents are **ORDERED** to file a counterclaim within 5 days or their actions are terminated and dismissed permanently.

Consumer moves for an order issued by this Court ratifying the 15 USC § 1692k(1) actual and statutory damages assessed by Consumer in Consumer's private right of action in the amount of \$322,341.78 against OCWEN LOAN SERVICING LLC, for violations of the FDCPA.

Consumer moves for an order issued by this Court ratifying the 15 USC § 1692k(1) actual damages assessed by Consumer in Consumer's private right of action in the amount of \$322,341.78 against Timothy S. Carey, for violations of the FDCPA.

Consumer moves for an order issued by this Court ratifying the 15 USC § 1692k(1) actual damages assessed by Consumer in Consumer's private right of action in the amount of \$322,341.78 against Kevin P Diskin, for violations of the FDCPA.

Consumer moves for an order issued by this Court ratifying the 15 USC § 1692k(1) actual damages assessed by Consumer in Consumer's private right of action in the amount of \$322,341.78 against Bryan Gales, for violations of the FDCPA.

Consumer moves for an order issued by this Court ratifying the 15 USC § 1692k(1) actual damages assessed by Consumer in Consumer's private right of action in the amount of \$300,000 against Julie L. Ensor, for violations of the FDCPA.

Consumer moves for an order issued by this Court ratifying the 15 USC § 1692k(1) actual damages assessed by Consumer in Consumer's private right of action in the amount of \$300,000 against John F Fader II, for violations of the FDCPA.

Consumer moves for an order issued by this Court ratifying the 15 USC § 1692k(1) actual damages assessed by Consumer in Consumer's private right of action in the amount of \$700,000 against Ruth A. Jakubowski, for violations of the FDCPA.

Consumer moves to terminate debt collection Case No: 03C16005234 in the Circuit Court for Baltimore County per Federal Rules 12b(1)-(7).

Consumer moves for any punitive damages that the Court shall assess based on 15 USC § 1692k(2)(A).

I, Anthony Thomas declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. 28 USC § 1746(1)

Executed on: March 17, 2017

By: _____

Anthony Thomas

**In the United States District Court
For the Northern District of Maryland**

Anthony Thomas, Consumer)	Case No.
)	
OCWEN LOAN SERVICING LLC,)	
Timothy S. Carey, Kevin P Diskin, Bryan)	
Gales, Julie L. Ensor, John F Fader II, Ruth A.)	
Jakubowski)	
)	
John Does 1-10)	
)	
3 rd Party Debt Collector(s))	

PROPOSED ORDER

It is hereby **ORDERED** that Respondents comply with all sections of the FDCPA.

It is **ORDERED** that Respondents terminate all collection activities against the Consumer as it concerns Baltimore County Circuit Court Case No: 03C16005234

It is **ORDERED** that within 5 days from the date of this order that Respondents file a counter suit under 15 USC 1692i or their claim is waived permanently.

Executed on: March 13, 2017

By: _____ JUDGE
Anthony Thomas

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been furnished by USPS Certified Mail postage prepaid, this _____ day of March 2017 to:

OCWEN LOAN SERVICING, LLC c/o
CSC-LAWYERS INCORPORATING SERVICE COMPAN
7 ST. PAUL STREET
SUITE 820
BALTIMORE MD 21202

Timothy S. Carey c/o
LAURA H.G. O'SULLIVAN
312 MARSHALL AVENUE
SUITE 800
LAUREL MD 2070

Kevin P Diskin c/o
DUANE MORRIS LLP
THE CORPORATION TRUST COMPANY
CORPORATION TRUST CENTER 1209 ORANGE ST
WILMINGTON, DE 19801

Bryan Gales c/o
DUANE MORRIS LLP
THE CORPORATION TRUST COMPANY
CORPORATION TRUST CENTER 1209 ORANGE ST
WILMINGTON, DE 19801

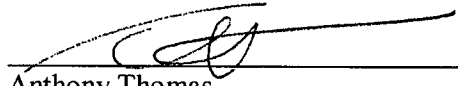
Julie L. Ensor c/o
BALTIMORE COUNTY CIRCUIT COURT
401 BOSLEY AVE
TOWSON, MD 21204

John F Fader II c/o
BALTIMORE COUNTY CIRCUIT COURT
401 BOSLEY AVE
TOWSON, MD 21204

Ruth A. Jakubowski c/o
BALTIMORE COUNTY CIRCUIT COURT
401 BOSLEY AVE
TOWSON, MD 21204

Julie L. Ensor, John F. Fader II, Ruth A. Jakubowski
c/o
BRIAN E FROSH
MARYLAND ATTORNEY GENERAL
200 ST. PAUL PLACE
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Mailed by:


Anthony Thomas